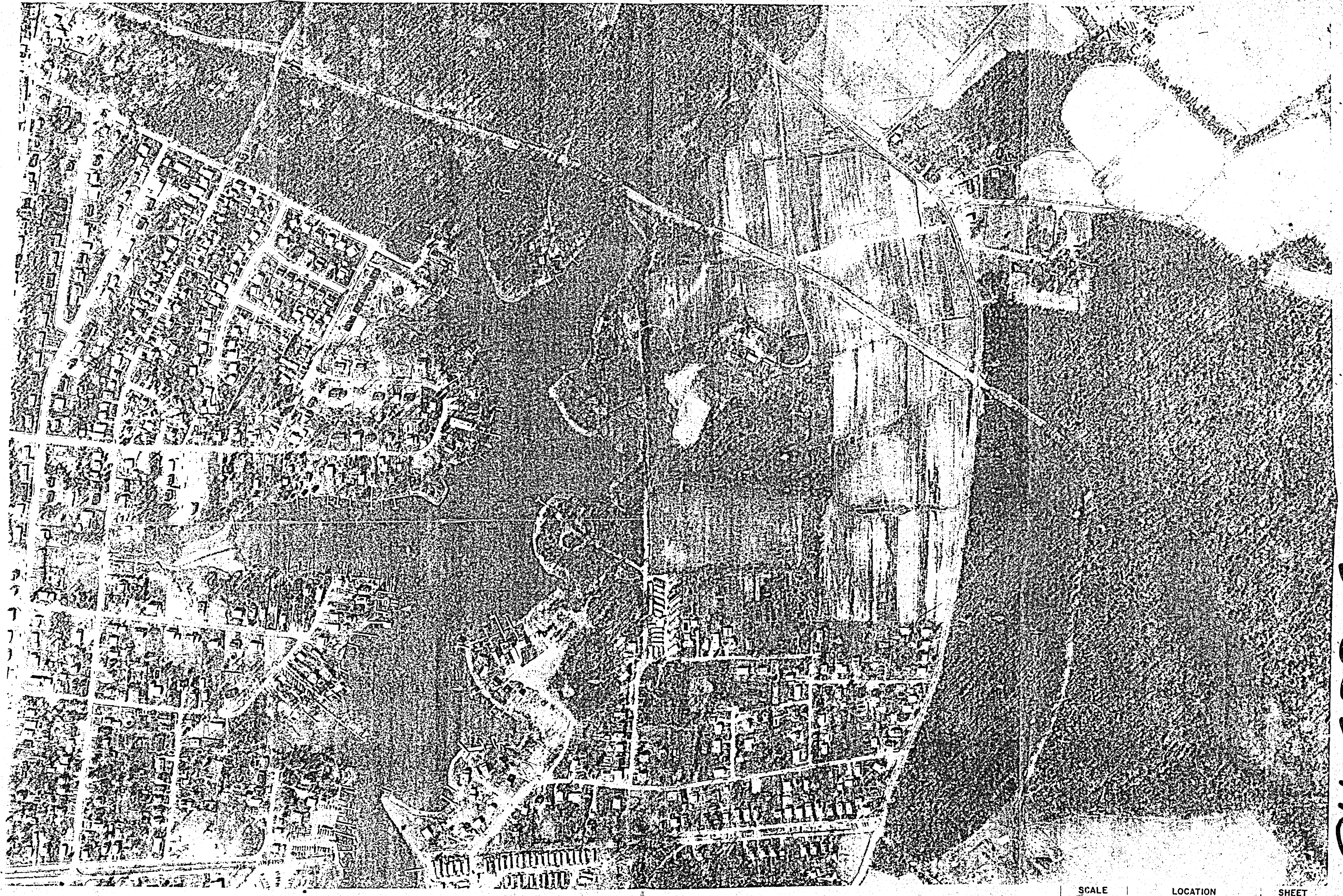


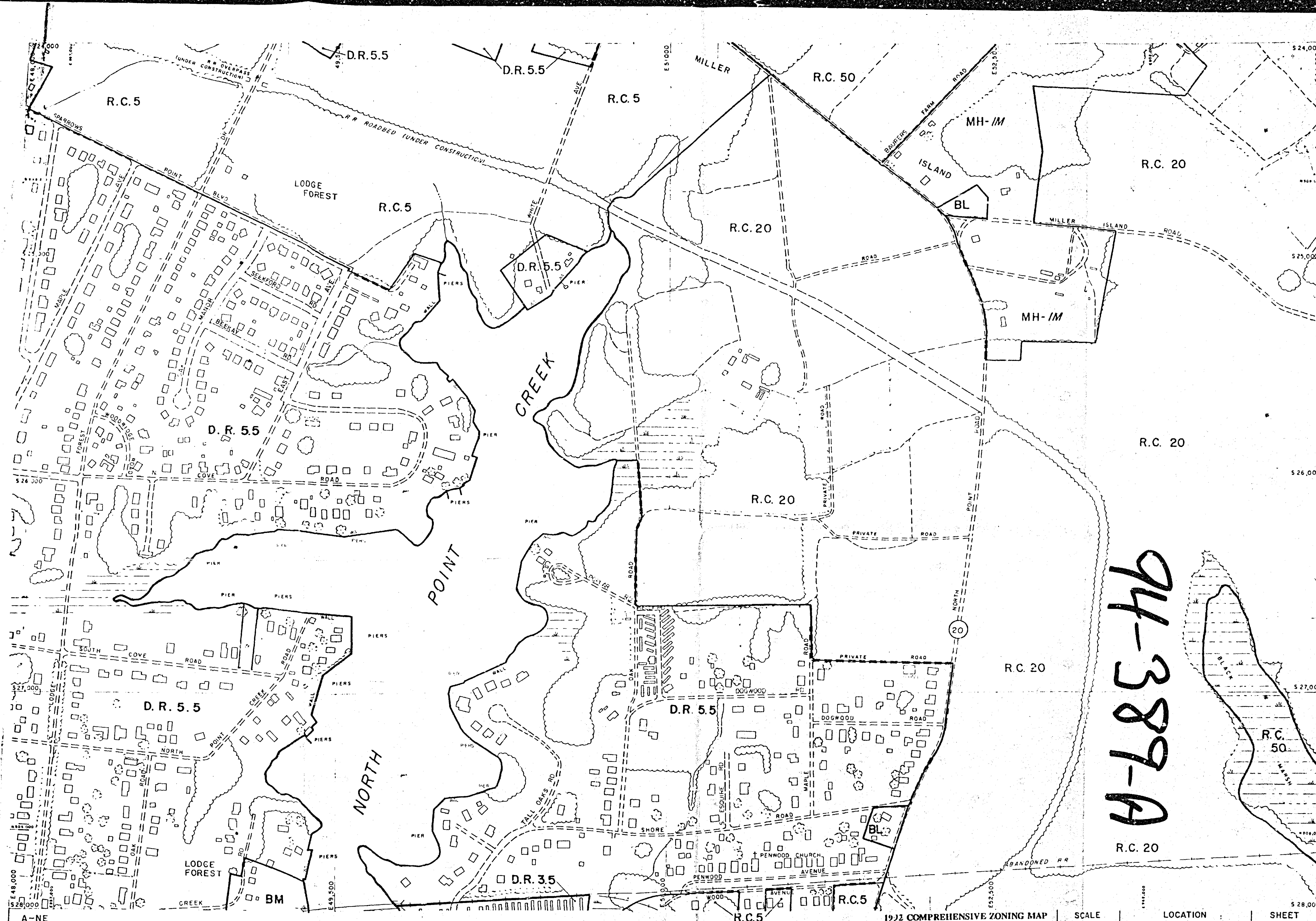
94-389-A



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE 1" = 200' ±	LOCATION LODGE FOREST	SHEET SE 7-I
DATE OF PHOTOGRAPHY JANUARY 1986	#374	



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

*William Howard*  
Chairman, County Council

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
LODGE FOREST  
NORTH POINT

SHEET  
SE  
7-I

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

#374



Item Number: 374  
Planners: NJK  
Date Filed: 3-30-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the zoning commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- \_\_\_\_\_ Descriptions, including accurate beginning point
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- ✓ ZONING ON PETITION SAYS "DR-55"

PET-FLAG (TXTSOPH)  
11/11/93

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

April 25, 1994

Mr. and Mrs. John E. Dausen  
7736 South Cove Road  
Baltimore, Maryland 21219

RE: Case No. 94-389-A, Item No. 374  
Petitioner: John Edward Dausen, et ux.  
Petition for Administrative Variance

Dear Mr. and Mrs. Dausen:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 30, 1994, and a hearing was scheduled accordingly.

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Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 94-389-A (M374)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

DAVID A. RAMSEY, ACTING CHIEF  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director  
Office of Zoning Administration  
and Development Management

DATE: April 28, 1994

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 374  
Dausen Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 7736 South Cove Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME John and Tianna Dausen

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.1 of the Baltimore County Zoning Regulations to permit an accessory structure (garage) in the front yard in lieu of the rear.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.02>.

RECEIVED  
APR 28 1994

ZADM

Mr. Arnold E. Jablon  
April 28, 1994  
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Finding: This property is located adjacent to the tidal waters of North Point Creek. The existing house extends to within 105' from mean high water. In order to comply with Chesapeake Bay Critical Area Regulations, the proposed garage must be placed on the opposite side of the house from the water to be out of the 100' buffer, therefore this Department supports this zoning variance.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

3. Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Baltimore County Code, Section 26-543(e)(1)>.

Finding: Current impervious areas total approximately 3,314 square feet or 30% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. The proposed garage will be built on the driveway which is already impervious, thus no increase in impervious surface will occur, and the proposed garage is in compliance with this regulation.

Policy: "If permitted development on a property currently exceeds the 25% impervious surface limit, that percentage may be maintained during redevelopment of the property" <Baltimore County Department of Environmental Protection and Resource Management Policy Manual>.

Mr. Arnold E. Jablon  
April 28, 1994  
Page 2

4. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

Finding: Stormwater runoff shall be directed from impervious surfaces to vegetated areas, to encourage maximum infiltration. These measures will ensure that the requirements of this regulation are met.

5. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

Finding: The property currently has 15% tree cover and it must be maintained to be in compliance with the above regulation.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

KK  
JJD/KDK/lmm

c: Mr. and Mrs. John Dausen  
7736 South Cove Road  
Baltimore, Maryland 21219

DAUSEN/DEPRM/MQBCCA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: April 22, 1994

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

- Item 374, 7736 South Cove Road
- Item 381, 2209 Headland Avenue
- Item 382, 6000 Hamilton Avenue
- Item 383, 6732 Charles Street Avenue
- Item 387, 1 Brigantine Court
- Item 389, 1044 Green Hill Farm Road
- Item 391, 10 Blueleaf Court
- Item 393, 100 Sunny Meadow Lane
- Item 394, 2608 Harwood Road

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Emily L. Pemo

PK/JL:pat

374NC-ZAC/PZONE/ZAC1

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
N/S South Cove Road, 850 ft. E of c/l Lodge Forest Drive  
7736 South Cove Road  
15th Election District  
7th Councilmanic District  
John E. Dausess, et ux  
Petitioners

\* BEFORE THE DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-389-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by John E. Dausess and Tianna C. Dausess, his wife, for that property known as 7736 South Cove Road in the Lodge Forest subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) to be located in the rear yard in lieu of the front yard (waterfront), as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4<sup>th</sup> day of May, 1994 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) to be located in the rear yard in lieu of the front yard (waterfront), in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated April 28, 1994, attached hereto and made a part thereof.

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING  
Date 5/10/94  
By M. J. [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

May 4, 1994

Mr. and Mrs. John E. Dausess  
7736 South Cove Road  
Baltimore, Maryland 21219

RE: Petition for Administrative Variance  
Case No. 94-389-A  
Property: 7736 South Cove Road

Dear Mr. and Mrs. Dausess:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm  
encl.



Petition for Administrative Variance  
to the Zoning Commissioner of Baltimore County  
for the property located at 7736 South Cove Road  
which is presently zoned DR-55

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 to permit an accessory structure (garage) in the front yard in lieu of the rear

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Garage being situated in said front yard of property.  
(see opposite page)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address Phone No.  
City State Zipcode

John Edward Dausess  
*John Edward Dausess*  
Tianna Charise Dausess  
*Tianna Charise Dausess*

7736 South Cove Road (410) 477-1512  
Baltimore, Maryland 21219

John Edward Dausess  
7736 South Cove Road (410) 477-1512

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 4<sup>th</sup> day of May, 1994, that the subject matter of this petition be set for a public hearing, to be held at 7736 South Cove Road, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

Zoning Commissioner of Baltimore County

RECEIVED BY 7736 DATE 5/30/94  
est post 4/10/94

Printed with Soybean Ink  
on Recycled Paper

ITEM #: 374

Affidavit in support of  
Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:  
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) herein competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) deced(s) presently reside at 7736 South Cove Road  
Baltimore, Maryland 21219

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

The property is a water front property. We propose to construct a garage in the front yard (depending on description of front or rear yard, based on water front property).

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

*John Edward Dausess*  
John Edward Dausess  
Tianna Charise Dausess  
*Tianna Charise Dausess*

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4<sup>th</sup> day of May, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appearing

*John E. Dausess & Tianna Charise Dausess*  
The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

5/4/94

*Wanda J. Windsor*  
Wanda J. Windsor  
Notary Public

My Commission Expires: 3/7/96

EXAMPLE 3 - Zoning Description

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible. Characterize, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 7736 South Cove Road  
Election District 15 Councilmanic District 7  
Beginning at a point on the North side of Cove Road (street on which property fronts) which is 20 feet wide at a distance of 850 feet (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street Lodge Forest Drive (name of subdivision) which is 20 feet wide, "Being Lot # 10 in the subdivision of Lodge Forest as recorded in Baltimore County Plat Book # 10, Folio # 768"  
11075 square feet (square feet and acres)

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the lot, block, and subdivision description as shown, instead state: "As recorded in Deed Liber, Folio " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N 87° 12' 13" E 321.1 ft. to 27° 03' E 87.2 ft., S 62° 19' 00" W 318 ft. and N 00° 15' 22" W 80 ft. to the place of beginning.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 15th Date of Posting 4/2/94  
Posted for: John E. & Tianna C. Dausess  
Petitioner: John E. & Tianna C. Dausess  
Location of property: 7736 S. Cove Rd. N.B. 850' E of Lodge Forest Drive  
Location of Sign: Along road on property being zoned  
Remarks: None  
Posted by: [Signature] Date of return: 4/27/94  
Number of Signs: 7



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt  
74-389-A

Account: R-001-6150

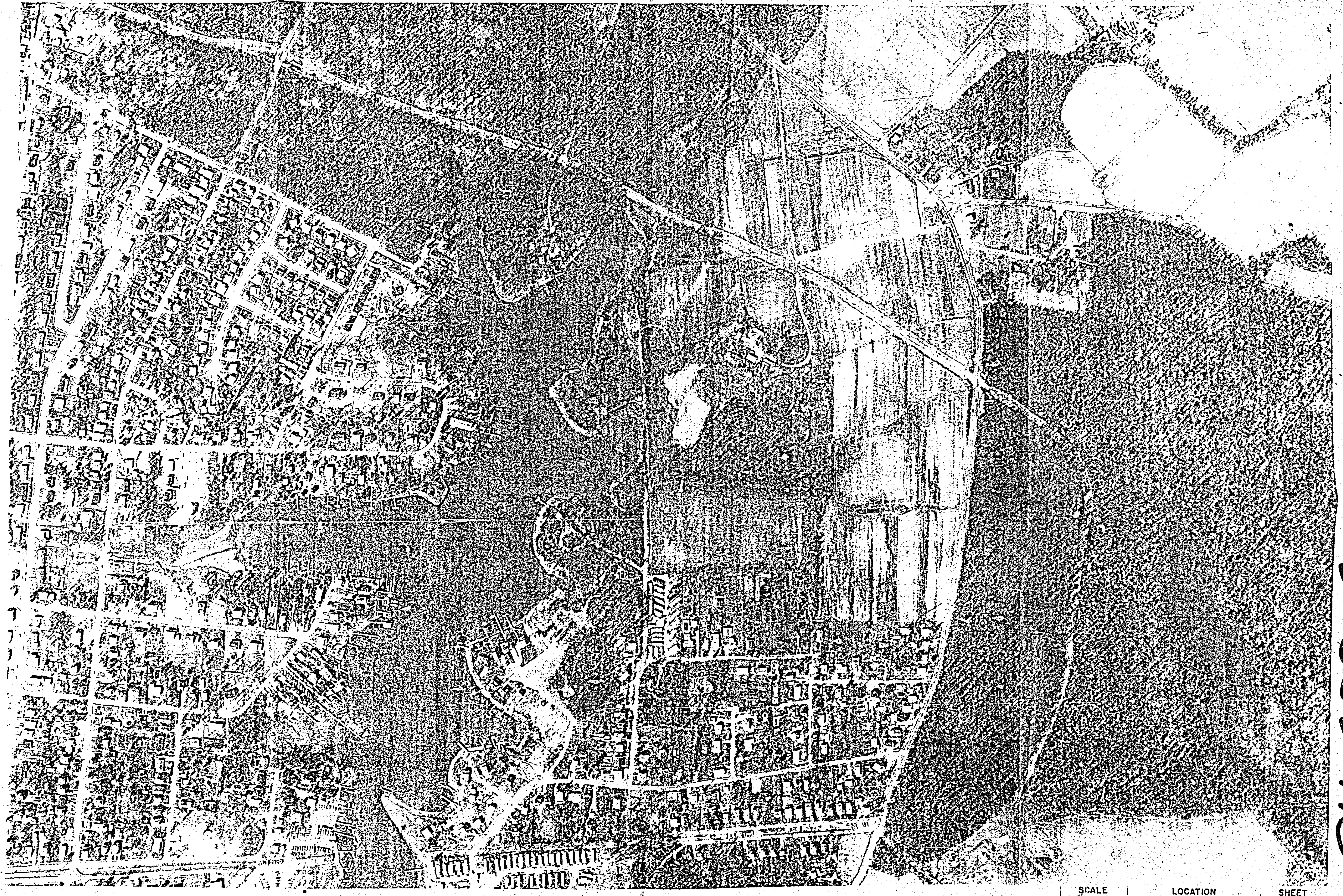
Date: 3/30/94

John Dausess - 7736 South Cove Rd.  
010- Admin Var. - \$50.00  
080- 1 Sign - \$35.00  
\$85.00

0260270067671060  
BA C90412706103-30-94  
Please Make Checks Payable To: Baltimore County

\$85.00

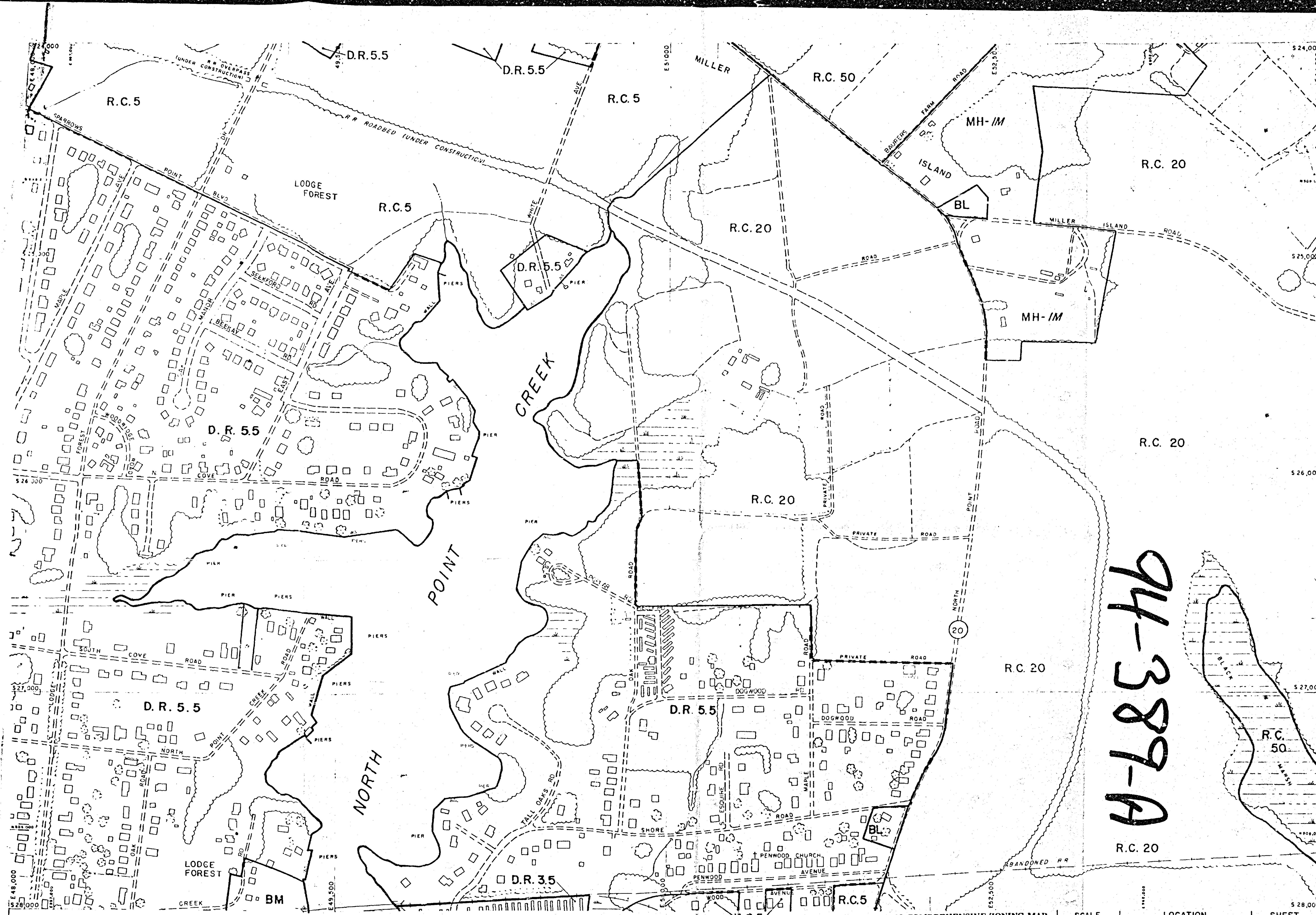
94-389-A



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE 1" = 200' ±	LOCATION LODGE FOREST	SHEET SE 7-1
DATE OF PHOTOGRAPHY JANUARY 1986	#374	



BALTIMORE COUNTY  
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1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
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*William Howard*  
Chairman, County Council

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BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

#374



Item Number: 374  
Planners: NJK  
Date Filed: 3-30-94

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Need an attorney

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PET-FLAG (TXTSOPH)  
11/11/93

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

April 25, 1994

Mr. and Mrs. John E. Dausen  
7736 South Cove Road  
Baltimore, Maryland 21219

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Petitioner: John Edward Dausen, et ux.  
Petition for Administrative Variance

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State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 94-389-A (M374)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

DAVID A. RAMSEY, ACTING CHIEF  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director  
Office of Zoning Administration  
and Development Management

DATE: April 28, 1994

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 374  
Dausen Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 7736 South Cove Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME John and Tianna Dausen

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.1 of the Baltimore County Zoning Regulations to permit an accessory structure (garage) in the front yard in lieu of the rear.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.02>.

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Mr. Arnold E. Jablon  
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Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>.

Finding: This property is located adjacent to the tidal waters of North Point Creek. The existing house extends to within 105' from mean high water. In order to comply with Chesapeake Bay Critical Area Regulations, the proposed garage must be placed on the opposite side of the house from the water to be out of the 100' buffer, therefore this Department supports this zoning variance.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

3. Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Baltimore County Code, Section 26-543(e)(1)>.

Finding: Current impervious areas total approximately 3,314 square feet or 30% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. The proposed garage will be built on the driveway which is already impervious, thus no increase in impervious surface will occur, and the proposed garage is in compliance with this regulation.

Policy: "If permitted development on a property currently exceeds the 25% impervious surface limit, that percentage may be maintained during redevelopment of the property" <Baltimore County Department of Environmental Protection and Resource Management Policy Manual>.

Mr. Arnold E. Jablon  
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4. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

Finding: Stormwater runoff shall be directed from impervious surfaces to vegetated areas, to encourage maximum infiltration. These measures will ensure that the requirements of this regulation are met.

5. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

Finding: The property currently has 15% tree cover and it must be maintained to be in compliance with the above regulation.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

KK  
JJD/KDK/lmm

c: Mr. and Mrs. John Dausen  
7736 South Cove Road  
Baltimore, Maryland 21219

DAUSEN/DEPRM/MQBCCA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: April 22, 1994

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

- Item 374, 7736 South Cove Road
- Item 381, 2209 Headland Avenue
- Item 382, 6000 Hamilton Avenue
- Item 383, 6732 Charles Street Avenue
- Item 387, 1 Brigantine Court
- Item 389, 1044 Green Hill Farm Road
- Item 391, 10 Blueleaf Court
- Item 393, 100 Sunny Meadow Lane
- Item 394, 2608 Harwood Road

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Emily L. Pemo

PK/JL:pat

374NC-ZAC/PZONE/ZAC1

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

APRIL 13, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: John Edward Dausen and Tianna Charles Dausen  
7736 South Cove Road  
Baltimore, Maryland 21219

Re: CASE NUMBER: 94-389-A (Item 374)  
7736 South Cove Road  
850' E of c/l Lodge Forest Drive  
19th Election District - 7th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to 887-3381. This notice also serves as a reference regarding the administrative process.

1) Your property will be posted on or before April 17, 1994. The closing date (May 5, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) deemed that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases regarding public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Pat Keller  
Arnold Jablon  
Director

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE N/S South Cove Road, 850 ft. E of c/l Lodge Forest Drive 7736 South Cove Road 15th Election District 7th Councilmanic District John E. Dausess, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by John E. Dausess and Tianna C. Dausess, his wife, for that property known as 7736 South Cove Road in the Lodge Forest subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) to be located in the rear yard in lieu of the front yard (waterfront), as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4<sup>th</sup> day of May, 1994 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) to be located in the rear yard in lieu of the front yard (waterfront), in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated April 28, 1994, attached hereto and made a part thereof.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING  
Date  
By

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

May 4, 1994

Mr. and Mrs. John E. Dausess  
7736 South Cove Road  
Baltimore, Maryland 21219

RE: Petition for Administrative Variance  
Case No. 94-389-A  
Property: 7736 South Cove Road

Dear Mr. and Mrs. Dausess:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmm  
encl.



Petition for Administrative Variance  
to the Zoning Commissioner of Baltimore County  
for the property located at 7736 South Cove Road  
which is presently zoned DR-55

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 to permit an accessory structure (garage) in the front yard in lieu of the rear

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. Garage being situated in said front yard of property.  
(see opposite page)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)  
Signature  
Address  
City State Zipcode  
Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City State Zipcode

John Edward Dausess  
Tianna Charise Dausess  
John Edward Dausess  
Tianna Charise Dausess

7736 South Cove Road (410) 477-1512  
Baltimore, Maryland 21219  
John Edward Dausess  
7736 South Cove Road (410) 477-1512

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 4<sup>th</sup> day of May, 1994, that the subject matter of this petition be set for a public hearing, to be held at 7:00 PM on May 11, 1994, at the Zoning Board of Appeals, 400 Washington Avenue, Towson, Maryland 21204, and that the property be posted.

Zoning Commissioner of Baltimore County

RECEIVED BY: JED DATE: 3/30/94  
out post 4/10/94

Printed with Soybean Ink  
on Recycled Paper

ITEM #: 374

Affidavit in support of  
Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:  
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) herein competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) deced(s) presently reside at 7736 South Cove Road  
Baltimore, Maryland 21219  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

The property is a water front property. We propose to construct a garage in the front yard (depending on description of front or rear yard, based on water front property).

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John Edward Dausess  
Tianna Charise Dausess  
John Edward Dausess  
Tianna Charise Dausess

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4<sup>th</sup> day of May, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appearing

John E. Dausess & Tianna Charise Dausess  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESSED my hand and Notarial Seal.

3/24/94

Wanda J. Windsor  
NOTARY PUBLIC

My Commission Expires: 3/7/96

EXAMPLE 3 - Zoning Description

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible. Characterize, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 7736 South Cove Road  
Election District 15 Councilmanic District 7  
Beginning at a point on the North side of Cove Road which is 20 feet wide (number of feet of right-of-way width) (street on which property fronts) (number of feet of right-of-way width) wide at a distance of 850 feet (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street Lodge Forest Drive which is 20 feet wide. (number of feet of right-of-way width) Block Lodge Forest in the subdivision as recorded in Baltimore County Plat (name of subdivision) Book 10 Folio 768 11075 square feet (square feet and acres)

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the lot, block, and subdivision description as shown, instead state: "As recorded in Deed Liber, Folio " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N. 87° 12' 13" E. 321.1 ft. to 27° 03' E. 87.2 ft., S. 62° 19' 00" W. 318 ft. and N. 00° 15' 22' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 15th Date of Posting 4/2/94  
Posted for: Dausess  
Petitioner: John E. & Tianna C. Dausess  
Location of property: 7736 S. Cove Rd. N.B. 852' E. of Lodge Forest Drive  
Location of Signs: Along road on property being zoned  
Remarks:   
Posted by: M. J. Windsor  
Number of Signs: 7 Date of return: 4/27/94



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt  
74-389-A

Account: R-001-4150

Date: 3/30/94

John Dausess - 7736 South Cove Rd.  
010- Admin Var. - \$50.00  
080- 1 sign - \$35.00  
\$85.00

0260270067671106  
BA C90412706103-30-94  
Please Make Checks Payable To: Baltimore County

\$85.00